

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

COLBY FRONTERHOUSE,

Defendant.

Case No. 21-03024-01-CR-S-BP

PRELIMINARY ORDER OF FORFEITURE

This matter is before the Court on the Motion of the United States for a Preliminary Order of Forfeiture. In the Forfeiture Allegation of the Superseding Information, the United States sought forfeiture of the following: an Apple iPhone XS, bearing the serial number G0NXT19YKPFT, seized on or about January 26, 2021, pursuant to Title 18, United States Code, Section 2253, on the basis that the property was used or intended to be used to commit or to promote the commission of the receipt and distribution of child pornography. (D.E. 32.)

On August 19, 2021, the defendant, Colby Fronterhouse, entered into a plea agreement with the United States, in which he agreed to plead guilty to Count One of the Superseding Information and to forfeit to the United States his interest in the property identified in the Forfeiture Allegation of the Superseding Information. (D.E. 36.)

The Court has determined, based upon the evidence set forth in the plea agreement, the United States has established beyond a reasonable doubt the requisite nexus between the property described herein and in the Forfeiture Allegation of the Superseding Information and the offense to which the defendant has pleaded guilty.

By virtue of the plea agreement, the United States is now entitled to a Preliminary Order of Forfeiture and to possession of the property, pursuant to Title 18, United States Code, Section 2253.

Accordingly, it is hereby ORDERED:

1. Based upon the plea agreement and the Forfeiture Allegation in the Superseding Information, the above-described property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n). (third party provisions).

2. Upon entry of this Order, the United States Attorney General or his designee is authorized to seize the above-described property in accordance with Fed. R. Crim. P. 32.2(b)(3).

3. Pursuant to Title 18, United States Code, Section 2253, the United States shall publish for at least 30 consecutive days on the Government's official website, www.forfeiture.gov, notice of the Preliminary Order of Forfeiture, notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, Colby Fronterhouse, having or claiming a legal interest in the above-described property, must file a petition with the Court (and serve a copy on Stephanie L. Wan, Assistant United States Attorney), within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of this Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

4. Pursuant to Fed. R. Crim. P. 32.2(b)(4), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing or before if the defendant consents and shall be made part of the sentence and included in the judgment.

5. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture in which all interests will be addressed.

/s/ Beth Phillips
BETH PHILLIPS
Chief United States District Judge

Dated: October 18, 2021